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LETTER DATED 19 AUGUST 1949 FROM THE REPRESENTATIVE OF HYDERABAD  
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I feel it to be my responsibility, since the case of Hyderabad remains on the agenda of the Security Council, and in accordance with my position as explained in my last communication to you (S/1118, December 14, 1948), to lay before the Security Council further information as to this case.

The charge of aggression by India against Hyderabad was presented to the Security Council on September 16, 1948, and has never been discussed by the Council, much less disproved. Subsequent to this, Sir Zafrullah Kahn showed to the Council that Cabinet Ministers and hundreds of other Hyderabadis were imprisoned by India and were to be tried, though for what crime it is not clear, since they were merely defending their country against illegal attack.

I have now to report that, contrary to public declarations of the present military government of Hyderabad asserting that full facilities for legal defense would be extended to Qasim Razvi and the Hyderabad Ministers, that government has thus far blocked all efforts to provide adequate legal assistance to these persons, who have been deprived of their liberty ever since Indian troops entered Hyderabad about a year ago. One such incident was briefly mentioned by Sir Zafrullah Kahn (S/PV/426, pp. 43, 46). Sir Abdur Rahman was a judge of the High Courts at Madras and Lahore in pre-partitioned India and represented India in the United Nations Special Committee on Palestine in 1947. He was selected as senior counsel on behalf of the Ministers and Qasim Razvi, but was refused permission by the Government of India to enter Hyderabad, on the ground that he was a Pakistani. This was in May, 1949.

Mr. Venkata Chari, an eminent lawyer of Madras, and a Hindu, was then engaged as counsel for Razvi and was duly enrolled by the High Court of Hyderabad after payment of a fee of 500 rupees. The military governor intervened, however; and informed Chari that he would not be permitted to conduct the defense of Razvi since (he said) Razvi did not wish to engage an outside lawyer. Mr. Chari sought an interview with Razvi to ascertain the situation from him personally, but was refused permission to see him.

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Thereafter, the High Court reversed its decision and rescinded its order of enrolment, giving as its reason that Mr. Chari was not conversant with Urdu (The Hyderabad state language).

On June 19, the Indian Military Governor declared (incorrectly) at a Press conference that nobody had applied to conduct the defense of Razvi and that he would provide such a defense counsel, if any, with every possible facility. On June 20, Malik Abdul Halim, an advocate of Lahore (Pakistan), applied to conduct the defense of Razvi. I quote now the letter which Mr. Halim wrote to the newspaper DAWN (Karachi), on July 14:

"The following correspondence which took place between myself and Major-General Choudhry, Military Governor of Hyderabad (Deccan), regarding the defence of Syed Kasim Razvi, reveals something of the petty Indian policy regarding the so-called trial of the Razakar leader.

"On June 19, Major-General Choudhry said in a Press conference that nobody had applied to conduct the defense of Syed Kasim Razvi's case, and that he would provide the defense counsel, if any, with every possible facility.

"On June 20, I applied to conduct the defense of Syed Kasim Razvi. On July 2, I received a registered letter, signed by Major K.K. Singh, General Staff Head Quarters, Military Governor, Bolaram Residency, Deccan, refusing me permission to conduct the defense of Syed Kasim Razvi.

"It is strange to note that Major-General Choudhry has recently repeated his previous statement that nobody has so far applied to conduct the defense of Syed Kasim Razvi.

"Now it is for the public to judge how far the contents of the letter received by me and Major-General Choudhry's public statement to the Press are consistent with each other."

Mr. G. D. Roberts, K. C., a British lawyer of the Staff of the prosecution at Nuremburg, was then invited to defend Mir Laikali, Razvi, and others. He went to Hyderabad on July 24, but his application for enrolment was denied by the High Court on the ground that he had no knowledge of Urdu. He was not permitted even to interview his clients, and after a fortnight of vain effort, returned to England. It was pleaded at that time that Mr. Pinto, President of the Special Tribunal constituted by the Military Governor, and Mr. Ethiraj, prosecuting counsel, were both ignorant of the Urdu language; this plea was rejected, as reported in the Times of India (Bombay, August 4, 1949), on the ground that these gentlemen had been appointed by the government. Other newspapers report that the proceedings of the Special Tribunal are to be in the English language. Finally, it can be added to the above that the High Court may, in its own discretion, relax the rules concerning use of the Urdu language and has done so upon a number of previous occasions; and that, among the eminent lawyers who were allowed to conduct cases before Hyderabad courts

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in the English language were Erdly Norton, M. A. Jinnah, Sir Tej Bahadur Sapru, Bhulabhi Desai, Sir B. L. Mitter, Sir Alladi Krishnaswamy Aiyengar, and Sir Iqbal Ahmed. The Sind Muslim Law College Union adopted a resolution describing this excuse as "ridiculous". It added that the action of the High Court "has deprived Syed Kasim Razvi of his fundamental right to be defended by a lawyer of his own choice and is inconsistent with every principle of justice and fair play," and appealed to the International Bar Association and other Bar Associations to take cognisance of the situation.

The above, and further evidence which I have of the continuing arbitrary mistreatment of Hyderabad officials and leaders comes to me from authoritative sources, and is in many cases corroborated by newspaper reports. I shall be prepared to present it to the Security Council when the case of Hyderabad is resumed. In this connection, I beg to call attention to a misunderstanding of my position which appears in the statement made by the President of the Security Council at its 364th meeting on December 15, 1948, (S.C.O.R. 3rd year, No. 129, p. 40). He there quoted me as saying that I "had no intention of asking that the Hyderabad delegation should be represented at any future meeting which the Council might wish to devote to the matter." Actually, as will be seen from my communication (S/1031), I said, "I do not propose to ask for the Delegation to be represented at the next meeting of the Council . . . " Likewise, in S/1118, I asserted "the authority of our delegation as originally appointed and its continued right and obligation to defend the interests of Hyderabad before the United Nations."

I have the honour to be, Sir,

Your obedient servant,

/s/

(MOJIB HANAZ JUNG)

Representative of Hyderabad

  
